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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. 25-CR-089-EMC
17 Plaintiff,)
18 v.) UNITED STATES SENTENCING
19 DANIEL NGUYEN,) MEMORANDUM
20 Defendant.)
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1 **I. INTRODUCTION**

2 The government submits this memorandum in advance of the sentencing hearing for defendant
 3 Daniel Nguyen. Nguyen pleaded guilty to two counts of transmitting threats in interstate commerce
 4 after he agreed to have his case transferred from the District of Massachusetts to this judicial district
 5 pursuant to Federal Rule of Criminal Procedure 20. Nguyen's conduct is extremely concerning. But the
 6 government believes that, in addition to the six months of custody he has already served, the public is
 7 best protected by Nguyen receiving ongoing mental health treatment for an additional year to address his
 8 issues with anger and self-control. As such, the government respectfully requests that the Court impose
 9 a sentence of six months (with credit for time served), a \$200 special assessment, and three years of
 10 supervised release, with a condition that Nguyen successfully complete an additional 12 months of the
 11 mental health treatment program he has already begun.

12 **II. FACTUAL BACKGROUND**

13 **A. Procedural History**

14 On October 3, 2024, Nguyen was arrested at his home in San Francisco on an arrest warrant and
 15 criminal complaint out of the District of Massachusetts charging him with five counts of transmitting
 16 threats in interstate commerce under 18 U.S.C. § 875(c). Presentence Investigation Report ("PSR") at
 17 ¶ 7. After several hearings, he was ordered detained. *Id.* Nguyen consented to proceed with his case in
 18 the Northern District of California, and the government filed an Information alleging the same five
 19 counts on April 2, 2025. After serving six months in pretrial custody, the government stipulated to
 20 Nguyen's release so that he could begin intensive mental health treatment. *Id.* On August 28, 2025, he
 21 pleaded guilty to Counts 1 and 5 of the Information (one count for each victim). *Id.* at ¶ 5.

22 **B. Offense Conduct**

23 As outlined in the Information, Nguyen was charged with making five calls to Boston-based
 24 companies in January and February 2024 in which he threatened to kill their employees.

25

- 26 • On January 12, 2024, a caller using Nguyen's phone number left a voicemail for Company 2
 27 stating, "I fucking hate your company. I'm an investor and you fucking screwed me out of
 28 money. I have an AK-47 and I have a Glock. I'm gonna go in there and I'm going to shoot up
 the whole fucking office. I'm gonna shoot you all dead. I've got a fucking AK-47 and I've
 got a Glock with two silencers. I'm going to go in there with an AK-47 and shoot up the
 whole fucking [Company 2] office. Mother fucker. You're all going to be fucking dead.
 You're gonna wish you didn't fuck me out of money."

- 1 • On the same day, January 12, 2024, the same caller left a voicemail for Company 1 stating:
2 “hey, you fucking assholes are dead...you hear me. You fucking cheated me, you screwed
3 me out of money over here. I’ve got an AK-...I have an AK-47, you know, with a drum
4 magazine and I’ve got a Glock with two silencers. I’m going to walk into [Company
5 1]...watch me, watch, I’m going to walk into [Company 1], I’m going to shoot up the whole
6 fucking place with an AK-47. I’m going to shoot up the whole fucking [Company 1] office
7 with an AK-47. And I’ve got a fucking Glock. I’m gonna shoot up the whole [Company 1]
8 office with a Glock. You’re all going to be fucking dead. It’s going to be a fucking
9 bloodbath. You hear me? I’ve got a fucking AK-47. I’m gonna shoot up the whole [Company
10 1] office. And you’re all going to be fucking dead.”
- 11 • The next day, on January 13, 2024, the same caller left another voicemail for Company 1,
12 stating: “And watch, you guys fucked me over. You watch. One day I’m gonna walk up in
13 there. I’m gonna come there next week with an AK-47 and a handgun. I’m gonna shoot up
14 the whole fucking facility. I’m gonna walk up in there with an AK-47, I’m gonna shoot up
15 the whole fucking building, every [Company 1] employee is gonna be dead. It’s going to be a
16 bloodbath...I’m going to have an AK-47 loaded, I’m going to shoot up the whole fucking
17 place.”
- 18 • About three hours later, the same caller left another voicemail for Company 1 stating: “hey, I
19 got an AK-47 and I got a Glock with a silencer, I’m gonna walk into [Company 1] next
20 week, I’m gonna shoot up the whole fucking office. You hear me? Every [Company 1]
21 employee is gonna get shot dead. You fucking watch and you see.”
- 22 • A month later, on February 15, 2024, the same caller left a fourth voicemail for Company 1,
23 stating: “I have an AK-47 in my possession and I’m gonna go over to Company 1 and shoot
24 up the whole fucking office. I’ve got an AK-47 in my hand.”

17 PSR at ¶¶ 9-15.

18 These threatening voicemails caused fear within the company and led employees to contact the
19 FBI. Subsequent investigation traced the phone calls back to Nguyen, and a review of Nguyen’s phone
20 records showed all five calls being placed with the *67 dialing feature to block his caller ID. PSR at
21 ¶¶ 16-17. The phone number was also the recovery number for an email address that Nguyen had
22 reported to the San Francisco Police Department as his contact information.

23 **III. NGUYEN’S CRIMINAL HISTORY**

24 Nguyen had been arrested several times in 2017 and 2018 for making criminal threats, ultimately
25 resulting in a misdemeanor conviction and three years on probation. According to Oakland Police
26 Department reports, Nguyen’s ex-girlfriend contacted law enforcement in April 2017 after Nguyen sent
27 her threatening text messages. PSR at ¶ 48. The threats included a photo of Nguyen pointing a handgun
28 at the camera, accompanied by the message “You my next target.” *Id.* The victim provided officers

1 with screenshots of Nguyen's messages to her, which included: (1) a photo of a black semi-automatic
 2 handgun with two loaded magazines; (2) a photo of Nguyen pointing a gun at the camera; (3) a photo of
 3 Lovelle Mixon and four fallen Oakland PD officers (Mixon shot and killed four officers in 2009); and
 4 (4) a photo of Maurice Clemons with four fallen Washington state officers (Clemons also shot and
 5 killed four officers in 2009). Below these photos, Nguyen said: "You make feeling like doing this now.
 6 If I do what Lovelle Mixon and Maurice Clemons did its because of you." *Id.*

7 Officers obtained a warrant to search Nguyen's residence. PSR at ¶ 48. During the 2017 search,
 8 officers recovered the Glock 21 semiautomatic handgun from the photo Nguyen sent his ex-girlfriend.
 9 The gun was fully-loaded, with a bullet in the chamber and an inserted 10-round magazine. Officers
 10 also recovered three loaded 10-round Glock magazines, a speed loader, 150 rounds of Blazer
 11 ammunition, 50 rounds of Federal ammunition, and 125 rounds of Sig Sauer ammunition. Nguyen was
 12 required to forfeit the firearm and ammunition in connection with his misdemeanor conviction in that
 13 case. *Id.* No weapons were recovered during the October 2024 arrest and search of Nguyen's home in
 14 connection with the instant federal charges.

15 Of concern, though, was what agents found saved on Nguyen's phone during the October 2024
 16 search: a copy of the five-page manifesto of Dylann Roof, the white supremacist mass murderer who
 17 killed nine African-American people attending services at the Emanuel African Methodist Episcopal
 18 Church in Charleston, South Carolina in 2015. ECF No. 4 (Gov't Detention Motion) at 4. From a
 19 review of Nguyen's emails, this racist ideology and language was a recurring issue for Nguyen
 20 throughout 2024:

- 21 • On June 21, 2024, Nguyen sent two emails to a Nevada high school employee, including one
 22 that stated, "I fucking hate all you n***ers I will get my 9millim[e]ter and 45 and shoot all
 23 you fucking n***ers dead and burn al[l] you fucking piece of shit n***ers in the dump and
 24 ditches where all you n***ers belong."
- 25 • On August 27, 2024, Nguyen emailed an employee of a security company in California and
 26 stated: "I hate n***ers and the only good n***er is a dead n***er that is shot and killed.
 27 Police officers need to shoot and kill all n***ers for our safety. The only good n***er is a
 28 dead n***er."

ECF No. 4 at 4; *see also* PSR at ¶¶ 51-52.¹

¹ It is worth noting that one of the companies targeted in the instant federal charges had just announced (the month before Nguyen's threats) that the FDA had approved its gene therapy for U.S. SENTENCING MEMORANDUM

1 **IV. GUIDELINES CALCULATION**

2 In his plea agreement, Nguyen agreed that his Base Offense Level was 12, increased to 16 for
 3 making two or more threats to multiple victims, and then reduced to Total Offense Level 13 after
 4 accounting for acceptance of responsibility. Probation agrees with this calculation. PSR at ¶¶ 26-45.
 5 With Criminal History Category I for his sole misdemeanor conviction, Nguyen's advisory Guidelines
 6 range is 12-18 months. *Id.* at ¶¶ 50, 88. The parties have agreed to recommend six months in custody
 7 (with credit for time served) and successful completion of a mental health program as a condition of
 8 supervised release.

9 **V. SENTENCING RECOMMENDATION**

10 Consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a) demonstrates that a 6-
 11 month sentence with 12 months of a mental health program for Nguyen is sufficient, but not greater than
 12 necessary, to protect the public and provide adequate deterrence.

13 Nguyen's offense conduct was very serious, and his possible racist motivations for the threats
 14 make it even worse. He put employees of these companies in fear for their lives, and they had no way of
 15 knowing whether the caller was nearby and capable of carrying out his threats, or 3,000 miles away on
 16 another coast. A custodial sentence is required for just punishment, to protect the public, and to afford
 17 adequate deterrence.

18 The government's primary goal at this point is ensuring that Nguyen never threatens anyone else
 19 again, and certainly that he never follows through on any of his threatening behavior. There are several
 20 reasons that the government believes the parties' joint proposal of a six-month sentence (with credit for
 21 time served), plus 12 months of mental health treatment, best achieves those aims. First, Nguyen has
 22 developmental and interpersonal issues that will not be adequately addressed through further
 23 incarceration, but which might be improved through another year of mental health treatment. *See* PSR
 24 at ¶¶ 72-74. In fact, there have been no known issues over the past 8 months of pretrial release while
 25 Nguyen has been undergoing treatment, despite Nguyen having ready access to a telephone (his
 26

27 individuals suffering from sickle cell disease, a disease that overwhelming afflicts the African-American
 28 population. While Nguyen has claimed that he targeted the companies because he lost money on
 investments, his other anti-Black threats and possession of the Roof Manifesto suggest that racial
 animus may have been what led him to target companies 3,000 miles from his home.

1 instrumentality of choice). Second, the fact of a federal felony prosecution and six months in federal
2 custody represent a significant increase in the consequences that Nguyen has faced for his conduct. His
3 only prior consequence was one night in county jail for the 2018 misdemeanor. This progressive
4 punishment, combined with ongoing intensive mental health treatment and the threat of re-incarceration
5 should he violate the strict terms of his supervised release, should provide adequate deterrence.

6 **VI. CONCLUSION**

7 For the reasons set forth above, the government requests that the defendant be sentenced to six
8 months of imprisonment, to be followed by three years of supervised release (with 12 additional months
9 of mental health treatment as a condition), and a \$200 special assessment.

10 DATED: November 25, 2025

Respectfully submitted,

11 CRAIG H. MISSAKIAN
12 United States Attorney

13 _____/s/
14 LEIF DAUTCH
15 Assistant United States Attorney